THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2777 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in attaching the movable properties of the petitioner vide panchanama report dated 28.1.2005 as arbitrary, illegal and violative of principles of natural justice and consequently to direct the respondents not to take any action against the petitioner in respect of the dues against Kalyani Ice Factory vide S.C.No.64, Taratava village.

It is the case of the first petitioner that his father was the owner and proprietor of Kalyani Ice Factory, Taratava village, Akiveedu mandal, West Godavari district with electricity connection bearing S.C.No.64. During the lifetime of his father, he sold away the said Kalyani Ice Factory to third parties in the year 1998 itself. Now in the guise of electricity dues against the said factory, the respondents have issued impugned attachment notice for attachment of movable properties of the petitioners.

According to the petitioners, they do not have any own house and are residing in a rented house bearing Municipal No.1-120, Taratava village. The premises at Kalyani Ice Factory is located in a different house number, but the respondents have attached the articles belonging to the petitioner. Therefore, the action of the respondents is high-handed, violative of principles of natural justice and without following the due process of law.

A detailed counter affidavit has been filed by the respondents stating that as per the records of the Mandal Revenue Officer, first petitioner is the only legal heir for the land of Ac.0.05 cents house site in R.S.No.35 of Taratava village and Ac.1-28 cents in R.S.No.25/2 of Taratava village, therefore, the first petitioner is responsible for the dues against his father late M.Madhava Rao and in this connection, notices were served on the petitioners for collection of arrears of service connection.

Heard both sides.

It appears, first petitioner was served with only demand notice and attachment order was passed, but no notice of any kind was issued to the petitioner for deciding the arrears due against S.C.No.64, Taratava village, Akiveedu mandal, West Godavari district.

In that view of the matter, the respondents are directed to issue fresh notices to the petitioners or refer the matter to the Special Court, if necessary, for the purpose of deciding arrears and proceed with the matter as per law.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 25.7.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2777 of 2005

25.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.2777 of 2005

Date: 25th July, 2007

Between:

Mallareddy Rajashekara Venkata Sudheer
and another.

.. Petitioners

And

The Divisional Electrical Engineer
(Operation), Bhimavaram,
West Godavari district & others.

.. Respondents